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ONTARIO REGULATION 263/20

made under the

EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

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ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - STAGE 2 CLOSURES

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the “Act”) and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, this Order is made pursuant to subsection 7.0.2 (4) of the Act, in particular paragraphs 5 and 14 of that subsection, the terms of which are set out in Schedules 1 and 2;

And Further, this Order applies within the health units listed in section 2 of Schedule 1.

SCHEDULE 1 STAGE 2

Definitions

1. In this Order,

“health unit” means a health unit as defined in the *Health Protection and Promotion Act*.

Application

2. This Order applies within the following health units:

1. Brant County Health Unit.
2. Chatham-Kent Health Unit.
3. City of Ottawa Health Unit.
4. The District of Algoma Health Unit.
5. The Eastern Ontario Health Unit.
6. Grey Bruce Health Unit.
7. Haliburton, Kawartha, Pine Ridge District Health Unit.
8. Hastings and Prince Edward Counties Health Unit.
9. Huron Perth Health Unit.
10. Kingston, Frontenac and Lennox and Addington Health Unit.
11. Leeds Grenville and Lanark District Health Unit.
12. Middlesex-London Health Unit.
13. North Bay Parry Sound District Health Unit.
14. Northwestern Health Unit.
15. Oxford Elgin St. Thomas Health Unit.
16. Peterborough County – City Health Unit.
17. Porcupine Health Unit.
18. Renfrew County and District Health Unit.
19. Simcoe Muskoka District Health Unit.

- 20. Sudbury and District Health Unit.
- 21. Thunder Bay District Health Unit.
- 22. Timiskaming Health Unit.
- 23. Waterloo Health Unit.
- 24. Wellington-Dufferin-Guelph Health Unit.

Closures

3. (1) Each person responsible for a business or place, or part of a business or place, that is required to be closed by Schedule 2 shall ensure that the business or place, or part of the business or place, is closed in accordance with that Schedule.

(2) Each person responsible for a business or place, or part of a business or place, that Schedule 2 describes as being permitted to open if certain conditions set out in that Schedule are met shall ensure that the business or place, or part of the business or place, either meets those conditions or is closed.

(3) Despite subsections (1) and (2), temporary access to a business or place, or part of a business or place, that is required to be closed by Schedule 2 is authorized, unless otherwise prohibited by any applicable law, for the purposes of,

- (a) performing work at the business or place in order to comply with any applicable law;
- (b) preparing the business or place to be reopened;
- (c) allowing for inspections, maintenance or repairs to be carried out at the business or place;
- (d) allowing for security services to be provided at the business or place; and
- (e) attending at the business or place temporarily,
 - (i) to deal with other critical matters relating to the closure of the business or place, if the critical matters cannot be attended to remotely, or
 - (ii) to access materials, goods or supplies that may be necessary for the business or place to be operated remotely.

(4) Nothing in this Order precludes a business or organization from operating remotely, without attending at the business, for the purpose of,

- (a) providing goods by mail or other forms of delivery, or making goods available for pick-up; and
- (b) providing services online, by telephone or other remote means.

General compliance

4. (1) The person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

(2) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

(3) The person responsible for a business that is open to the public, or an organization responsible for a facility that is open to the public, shall ensure that the place of business or facility is operated to enable members of the public in the place of business or facility to, to the fullest extent possible, maintain a physical distance of at least two metres from other persons.

(4) Subsection (3) does not require the business or facility to be operated in such a way as to enable physical distancing of persons who have arrived at the business or facility together.

(5) The person responsible for a business or place that is open shall ensure that any washrooms made available to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary environment.

Meeting or event space

5. (1) Businesses and organizations that rent meeting or event space may only rent the space if access to the space will be limited to no more than 10 persons at any one time.

(2) Subsection (1) does not apply to the rental of meeting or event space for a gathering described in clause 2 (1) (c) of Schedule 1 to Ontario Regulation 52/20 (Order Under Subsection 7.0.2 (4) of the Act — Organized Public Events, Certain Gatherings) that will be authorized in accordance with that Schedule.

SCHEDULE 2 STAGE 2 BUSINESSES AND PLACES

Food and drink

Restaurants, bars etc.

1. (1) Restaurants, bars, food trucks and other food or drink establishments may open if they comply with the following conditions:

1. Patrons must be served,
 - i. through take-out, drive-through or delivery service, or
 - ii. at an outdoor dining area that is,
 - A. in or adjacent to the place of business, and
 - B. configured to ensure physical distancing of at least two metres between patrons seated at different tables.
2. Public access to any indoor portions of the business must be limited to food pickup, payment, washroom access, a ccess required to get to the outdoor dining area or a ccess that is otherwise required for the purposes of health and safety.
3. No dancing or singing may be permitted in the outdoor dining areas.

(2) For greater certainty, a restaurant, bar, food truck or other food or drink establishment that is in compliance with the conditions set out in subsection (1) may open in any business or place that is otherwise permitted to open under this Order.

Services

Public libraries

2. Public libraries may open if they comply with the following conditions:

1. Circulating materials must be reserved over the telephone or online.
2. Circulating materials may only be exchanged with members of the public through contactless drop-off and pick-up.
3. Patrons must only be permitted to enter the premises to facilitate contactless drop-off and pick-up or to access computers, photocopiers or similar services.
4. Patrons must not be permitted to be in the book stacks, or to handle circulating materials that are shelved, or in other areas of library storage.
5. Circulating materials returned to the library must be disinfected or quarantined for an appropriate period of time before they are recirculated.

Community centres

3. (1) Community centres may open for the following purposes if they comply with the conditions set out in subsection (2):

1. Permitting the use of facilities for outdoor sports and recreational activities that are permitted to be open under section 14.
2. Providing space for a day camp for children that is in compliance with section 15.
3. Permitting the use of pools, splash pads, spray pads and wading pools that are permitted to be open under section 19.
4. Providing indoor activities and services, other than non-aquatic indoor sports and recreational fitness activities.

(2) The conditions referred to in subsection (1) are the following:

1. Communal kitchens in the community centre must be closed.
2. Interior dining spaces in the community centre must be closed.

Hotels, motels and other short-term rentals

4. Hotels, motels, lodges, cabins, cottages, resorts and other short-term rental businesses may open if they comply with the following conditions:

1. Any fitness centres or gyms on the premises must be closed.
2. Any communal steam rooms, saunas, whirlpools or hot tubs on the premises must be closed.

Real estate open houses

5. Real estate agencies may open if they do not host or facilitate open house events.

Personal care services

6. (1) Personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios, may open if they comply with the following conditions:

1. No personal care services that tend to a patron's face, such as facials, facial hair grooming or removal or makeup applications, may be provided.
2. Persons who provide personal care services in the business must wear appropriate personal protective equipment.
3. Patrons must wear face covering at all times while receiving personal care services.
4. Subject to subsection 19 (2), any locker rooms, change rooms, and showers must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the business that is used to provide first aid.
5. Any steam rooms, saunas, whirlpools or bathhouses must be closed.
6. Any baths, hot tubs, floating pools or sensory deprivation pods must be closed, unless they are used for a therapeutic purpose prescribed by, or administered by, a regulated health professional.
7. Oxygen bars must be closed.

(2) Subsection (1) does not apply to hair and makeup services described in section 16 or 17.

Personal services

7. Businesses that are primarily engaged in providing personal services to individuals, including personal shoppers, party and wedding planners, personal organizer services, personal physical fitness or sports trainers and house sitters, may open if they comply with the following conditions:

1. The service providers must maintain a physical distance of at least two metres from their patrons to the fullest extent possible.
2. Personal physical fitness or sports trainers must provide services outside of a gym, except for a gym in the trainer's or patron's home.

Conference centres and convention centres

8. Conference centres and convention centres are closed.

Shopping and retail

Shopping malls

9. (1) Shopping malls may open if they ensure that any interior dining spaces inside the shopping mall, including any tables and seating in food courts, are closed.

(2) For greater certainty, subsection (1) does not prevent a restaurant, bar or other food or drink establishment within a shopping mall from opening and operating in compliance with section 1.

Fitting rooms

10. Fitting rooms in a business may open if they comply with the following conditions:

1. The fitting room stalls must be equipped with a solid door that may be closed.
2. Patrons must not be permitted to occupy adjacent fitting room stalls at any one time.
3. The fitting room stalls must be cleaned and disinfected after each use.

Education

Post-secondary institutions

11. (1) Any areas in universities, colleges of applied arts and technology, private career colleges and other post-secondary institutions that are used for in-person teaching and instruction are closed until July 2, 2020.

(2) On and after July 2, 2020, an area described in subsection (1) may be open for the purpose of in-person teaching and instruction for students that,

- (a) are enrolled in the institution; and
- (b) would be eligible to graduate if they complete components of their program that can only be delivered through the in-person teaching and instruction.

Private schools

12. Private schools as defined in the *Education Act* are closed.

Sports and fitness

Facilities for indoor sports and recreational fitness activities

13. (1) Subject to subsections (2) to (8), facilities for indoor sports and recreational fitness activities, including gymnasiums, yoga and dance studios and other fitness facilities, are closed.

(2) Indoor golf driving ranges, indoor horse-riding facilities and indoor shooting ranges, including those operated by rod and gun clubs, may open if they comply with the following conditions:

1. Any person who enters or uses the facility must maintain a physical distance of at least two metres from any other person who is using the facility.
2. Activities that are likely to result in individuals coming within two metres of each other must not be practised or played within the facility.
3. Subject to subsection 19 (2), any locker rooms, change rooms, showers and clubhouses in the facility must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.
4. Any equipment that is rented or provided to users of the facility must be cleaned and disinfected between each use.

(3) Indoor training facilities that are operated by a sports team in one of the following leagues may open if they comply with the conditions set out in subsection (4):

1. Canadian Football League.
2. Major League Baseball.
3. Major League Soccer.
4. National Basketball Association.
5. National Hockey League.

(4) The conditions referred to in subsection (3) are the following:

1. The facility may only be used if,
 - i. the team's league has established a health and safety protocol for the use of training facilities, and
 - ii. the training facility is operated in compliance with the health and safety protocol.
2. The only persons permitted to enter and use the facility are,
 - i. players on the team who are using the facility for the purposes of training or conditioning, and
 - ii. such staff as are strictly necessary to operate the facility and support the training or conditioning of the players.
3. Any equipment that is rented or provided to users of the facility must be cleaned and disinfected between each use.

(5) Facilities for indoor sports and recreational fitness activities that comply with the conditions set out in subsection (6) may open for the purpose of being used by one or more of the following organizations, leagues or clubs to train amateur or professional athletes or to run amateur or professional athletic competitions:

1. A national sport organization funded by Sport Canada or a member club of such an organization.
2. A provincial sport or multi-sport organization recognized by the Ministry of Heritage, Sport, Tourism and Culture Industries or a member club of such an organization.
3. A professional sport league or a member club of such a league.
4. Any national sport organization that is a member of, or is recognized by, either the Canadian Olympic Committee or the Canadian Paralympic Committee or a member club of such an organization.

(6) The conditions referred to in subsection (5) are the following:

1. The only persons permitted to use the facility are athletes who are members of an organization, league or club described in subsection (5).
2. Any person who enters or uses the facility must maintain a physical distance of at least two metres from any other person who is using the facility.
3. Team sports must not be practised or played within the facility, with the exception of training sessions for members of a sports team that do not include games or scrimmage games.
4. Activities that are likely to result in individuals coming within two metres of each other must not be practised or played within the facility.

5. All sport activities must be conducted in accordance with the rules and policies of the applicable organization identified in subsection (5), including the rules and policies put in place to enable a safe return to the sport.
 6. No spectators may be permitted at the facility, other than up to one accompanying parent, guardian or other adult for each athlete under the age of 18.
 7. Subject to subsection 19 (2), any locker rooms, change rooms, showers and clubhouses in the facility must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.
 8. Any equipment that is rented or provided to users of the facility must be cleaned and disinfected between each use.
- (7) Facilities for indoor sports and recreational fitness activities may be open to provide space for a day camp for children that is in compliance with section 15.
- (8) This section does not apply to pools, splash pads, spray pads and wading pools that are permitted to be open in accordance with section 19.

Facilities for outdoor sports and recreational fitness activities

14. (1) Subject to subsections (2) and (3), facilities for outdoor sports and recreational fitness activities are closed.
- (2) Facilities for outdoor sports and recreational fitness activities, other than playgrounds, play structures and facilities containing outdoor fitness equipment, may open if they comply with the following conditions:
1. Any person who enters or uses the facility must maintain a physical distance of at least two metres from any other person who is using the facility.
 2. Team sports must not be practised or played within the facility, with the exception of training sessions for members of a sports team that do not include games or scrimmage games.
 3. Activities that are likely to result in individuals coming within two metres of each other must not be practised or played within the facility.
 4. Subject to subsection 19 (2), any locker rooms, change rooms, showers and clubhouses in the facility must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.
 5. Any equipment that is rented or provided to users of the facility must be cleaned and disinfected between each use.
 6. Activities that require the use of equipment or fixed structures that cannot be cleaned and disinfected between each use must not be practised or played within the facility.
- (3) This section does not apply to pools, splash pads, spray pads and wading pools that are permitted to be open in accordance with section 19.

Camps for children

15. (1) Day camps for children may open if they operate in a manner consistent with the document entitled “COVID-19 Guidance: Summer Day Camps”, dated June 1, 2020 and available on a website of the Government of Ontario.
- (2) Camps that provide supervised overnight accommodation for children are closed.

Media industries

Film and television production

16. Film and television production, and all supporting activities such as hair, makeup and wardrobe, may open if they comply with the following conditions:
1. No studio audiences may be permitted to be on the film or television set.
 2. The set must be configured and operated in such a way as to enable persons on the set to maintain a physical distance of at least two metres from other persons, except where necessary for the filming of the film or television production.
 3. Persons who provide hair or makeup services must wear appropriate personal protective equipment.

Photography studios and services

17. Photography studios and services, and all supporting activities such as hair, makeup and wardrobe, may open if they comply with the following conditions:
1. The studio or area where photographs are to be taken must be configured and operated in such a way as to enable persons in the studio or area to maintain a physical distance of at least two metres from other persons, except where necessary for the taking of the photographs.
 2. Persons who provide hair or makeup services must wear appropriate personal protective equipment.

Entertainment

Performing arts and cinemas

- 18.** (1) Concert venues, theatres and cinemas are closed, subject to subsection (2).
- (2) Drive-in cinemas may open if they comply with the conditions set out in subsection (4).
- (3) Concerts, theatrical productions, performances and artistic events for more than 10 people may be provided if they are provided in a drive-in or drive-through format that complies with the conditions set out in subsection (4).
- (4) The conditions referred to in subsections (2) and (3) are the following:
1. Each person in attendance at the drive-in cinema or the drive-in or drive-through concert, theatrical production, performance or artistic event, other than persons who perform work for the drive-in cinema or the drive-in or drive-through concert, theatrical production, performance or artistic event, must remain within a motor vehicle designed to be closed to the elements except,
 - i. where necessary to purchase admission,
 - ii. where necessary to use a washroom, or
 - iii. as may otherwise be required for the purposes of health and safety.
 2. The driver of a motor vehicle at the drive-in cinema or the drive-in or drive-through concert, theatrical production, performance or artistic event must ensure that it is positioned at least two metres away from other motor vehicles.
 3. Every person who performs work at the drive-in cinema or the drive-in or drive-through concert, theatrical production, performance or artistic event must remain at least two metres apart from motor vehicles and from other persons, except for the purposes of facilitating the purchase of admission or food or beverages.
 4. Any washrooms that are open for use for the persons in attendance at the drive-in cinema or the drive-in or drive-through concert, theatrical production, performance or artistic event must be cleaned and disinfected as frequently as is necessary to maintain a sanitary environment.
 5. Food and beverages may only be sold to persons in attendance at the drive-in cinema or the drive-in or drive-through concert, theatrical production, performance or artistic event if they are delivered directly to the person's motor vehicle.
 6. No materials may be exchanged between persons in attendance at the drive-in cinema or the drive-in or drive-through concert, theatrical production, performance or artistic event, except,
 - i. materials exchanged between members of the same motor vehicle,
 - ii. materials exchanged between persons who perform work for the drive-in cinema or the drive-in or drive-through concert, theatrical production, performance or artistic event, and
 - iii. such materials as are necessary to facilitate the purchase of admission or food or beverages.

Pools, splash pads, spray pads and wading pools

- 19.** (1) Indoor and outdoor pools, splash pads, spray pads and wading pools may open if they comply with the following conditions:
1. Subject to subsection (2), any locker rooms, change rooms, showers and washrooms must be cleaned and disinfected as frequently as is necessary to maintain a sanitary environment.
 2. No access may be provided to high-contact aquatic features, including slides, diving boards and climbing structures, with the exception of ladders.
 3. The pool, splash pad, spray pad or wading pool must comply with the applicable physical distancing requirements by,
 - i. operating with a reduced resting area, capacity or aquatic activity enrolment, or
 - ii. operating by appointment or timed entry.
 4. Any equipment that is rented or provided to patrons must be cleaned and disinfected between each use.
- (2) Despite any other provision in this Schedule that would require a locker room, change room or showers to be closed, any locker room, change room or showers that is used in conjunction with a pool, splash pad, spray pad or wading pool may be open for that purpose.
- (3) For greater certainty, a pool, splash pad, spray pad or wading pool that is in compliance with the conditions set out in subsection (1) may open in any business or place that is otherwise permitted to open under this Order.

Casinos and charitable gaming halls

- 20.** Casinos and charitable gaming halls are closed.

Horse racing

21. Horse racing tracks are closed to spectators.

Amusement parks and waterparks

22. Amusement parks and waterparks are closed.

Museums, etc.

23. Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions may open if they comply with the following conditions:

1. No member of the public may be permitted access to interactive exhibits or exhibits that would create a high risk of personal contact.
2. Lockers must not be provided to members of the public.
3. Any equipment that is rented or provided to patrons must be cleaned and disinfected between each use.

Tour and guide services

24. Tour and guide services, including guided fishing and hunting trips, tastings and tours for wineries, breweries and distilleries, trail riding tours, walking tours, bicycle tours, motor vehicle tours and boat tours may open if they comply with the following conditions:

1. Every person on the tour, including any tour guides, must comply with the applicable physical distancing requirements.
2. The number of people on the tour, including any tour guides, cannot exceed 10 people.
3. Any equipment that is rented or provided as part of the tour must be cleaned and disinfected between each use.
4. If the tour includes access to any food or beverage production or manufacturing areas, every person on the tour, including any tour guides, must comply with,
 - i. any laws or policies that apply to the food or beverage production or manufacturing area, and
 - ii. any advice, recommendations or instructions of public health officials that apply to the food or beverage production or manufacturing area.
5. The tour or guide service must record the name and contact information of every patron and maintain the records for a period of at least one month.

Marinas, boating clubs etc.

25. Marinas, boating clubs and other organizations that maintain docking facilities for members or patrons may open if they comply with the following conditions:

1. Any fitness centres or gyms on the premises must be closed.
2. Any steam rooms, saunas, whirlpools or hot tubs on the premises must be closed.
3. Clubhouses must be closed, except,
 - i. for the purpose of being used by appointment as event or meeting space in accordance with section 5 of Schedule 1, or
 - ii. to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.

Golf courses and outdoor driving ranges

26. Golf courses and outdoor driving ranges may open if they comply with the following conditions:

1. Any fitness centres or gyms on the premises must be closed.
2. Any steam rooms, saunas, whirlpools or hot tubs on the premises must be closed.
3. Clubhouses must be closed, except,
 - i. for the purpose of being used by appointment as event or meeting space in accordance with section 5 of Schedule 1, or
 - ii. to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.

Campgrounds

27. Campgrounds are closed to the public unless they comply with the following conditions:

1. All indoor recreational facilities in the campground must be closed, other than pools, splash pads, spray pads and wading pools that are permitted to be open under section 19.
2. Subject to subsection 19 (2), any locker rooms, change rooms, and showers must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the campground that is used to provide first aid.
3. Any equipment that is rented or provided to campground guests must be cleaned and disinfected between each use.
4. The person responsible for the campground must ensure that every person using the campground is complying with any applicable restrictions on the size of social gatherings and organized public events.

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